

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22<sup>nd</sup> Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS SUPPLEMENTAL  
BRIEF IN SUPPORT OF ITS MOTION  
TO COMPEL UBER SOURCE CODE**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Supplemental Brief in Support of its Motion to Compel Uber Source Code (“Waymo’s Brief”), filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Brief	Highlighted in blue	Defendants
	Highlighted in green	Waymo
Exhibit 1 to Waymo's Brief	Entire document	Defendants
	Highlighted in green	Waymo
Exhibit 2 to Waymo's Brief	Entire document	Defendants
	Highlighted in green	Waymo
Exhibit 3 to Waymo's Brief	Entire document	Waymo & Defendants

#### **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

#### **II. DEFENDANTS CONFIDENTIAL INFORMATION**

Waymo seeks to seal these documents only because Defendants have designated the information confidential and/or highly confidential. Declaration of Felipe Corredor (“Corredor Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

#### **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should also seal the portions of Waymo’s Brief and exhibits thereto as identified in the table above. Waymo seeks to file this information under seal because it discloses technical information regarding Waymo’s trade secrets. *See* Corredor Decl. ¶ 4. Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at \*1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely

1 of descriptions of Brocade’s trade secrets.”). Waymo seeks to seal trade secret information that fit  
2 squarely within these categories. Corredor Decl. ¶ 4. Waymo maintains this information as a trade  
3 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security  
4 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only  
5 information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the confidential  
6 information at issue in those cases met the heightened “compelling reasons” standard for sealing.  
7 *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL 211115, at \*1, \*3. The information that  
8 Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo’s  
9 trade secrets would harm Waymo. Corredor Decl. ¶ 4. Moreover, the scope of information that  
10 Waymo is seeking to seal is consistent with other administrative motions to seal that have already  
11 been granted by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo’s  
12 administrative motion to seal.

13 **IV. CONCLUSION**

14 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
15 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
16 Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

17 DATED: October 14, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

18  
19 By /s/ Charles K. Verhoeven

Charles K. Verhoeven  
Attorneys for WAYMO LLC